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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	NO. 3:05-cr-82-JWS
)	
Plaintiff,)	<u>GOVERNMENT'S SENTENCING</u>
)	<u>MEMORANDUM</u>
vs.)	
JAMES ANDREW JACKSON,)	
SR.,)	
)	
Defendant.)	

COMES NOW the United States of America, by and through counsel,
and submits its sentencing memorandum in the above captioned case as follows.

I. Summary of Estimated Guideline Calculations

The government has no objections to the presentence report calculations.

II. Response to Anticipated Objections

The government does not anticipate any substantive objections to the presentence report, but does anticipate that the defendant will ask for downward departures on medical grounds, based on criminal history and for extraordinary acceptance of responsibility. The government acknowledges that defendant's medical needs are real and any sentence should address his continued medical needs related to his kidney transplant. In addition, the government acknowledges that defendant has shown a true acknowledgment of his criminal behavior and has taken action to address the matter by paying restitution out of his union wages. As to criminal history, defendant had a very extensive alcohol related criminal history, but does seem to have addressed the issue as evidenced by his 10 years of sobriety.

III. §3553(a) Factors

The government believes that a review of the §3553(a) factors suggests that a sentence involving home detention within the bottom of the guideline range is appropriate in this case. §3553(a)(2)(A) and (B) suggest that some sentence of imprisonment is justified. Defendant abused a significant area of trust in a labor union in which he had been a member and that has supported him throughout his working career. Thus, the offense is both serious and requires deterrence. On the other hand, defendant's true repentance gives credibility to his claim that he is

unlikely to re-offend and he has significant and long term medical needs that would probably be best served outside the prison system.

IV. Recommendation

In light of the fact that defendant has not used his medical issues as an excuse for his actions, as so many defendant's do, the government believes that an appropriate sentence, taking into consideration both the guidelines and the §3553(a) factors, would be a sentence in the bottom of the guideline range for an offense level 10, criminal history 1 - with the exception that the government is amenable to home detention being substituted for any term of imprisonment. In addition, the government would request the standard conditions concerning financial notification be instituted as a condition of probation.

RESPECTFULLY submitted January 30, 2006, at Anchorage, Alaska.

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CERTIFICATE OF SERVICE

I hereby certify that on January 31st, 2006,
a copy of the foregoing **GOVERNMENT'S
SENTENCING MEMORANDUM**,
was served, electronically, on:

Sue Ellen Tatter

s/Karen Loeffler